

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

CHARLES ALEX LAWSON, et al.,

Plaintiffs,

V.

CITY OF VINELAND, et al.,

Defendants.

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Civ. No. 14-6086 (RBK) (JS)

OPINION

ROBERT B. KUGLER, U.S.D.J.

I. INTRODUCTION

Plaintiff, Charles Lawson (“Mr. Lawson”), was previously incarcerated at the East Jersey State Prison in Rahway. He is proceeding along with his co-plaintiffs, Charmaine Pitts, who he states is the mother of his children, along with his co-plaintiffs, Bernae Green and Charles Lawson, Jr., who are his minor children, with a civil rights complaint filed pursuant to 42 U.S.C. § 1983. The plaintiffs have not paid the \$400.00 filing fee. Furthermore, only Mr. Lawson has submitted an application to proceed *in forma pauperis*.

II. BACKGROUND

The complaint alleges that Mr. Lawson’s constitutional rights were violated when police officers searched his home in September, 2012. He claims that Ms. Pitts, who was pregnant at the time, was present along with Ms. Green, his five-year old daughter. Mr. Lawson claims that property of his was taken and destroyed. The plaintiffs seek monetary damages.

III. DISCUSSION

There are several procedural issues with respect to each of the four co-plaintiffs that initially must be addressed.

A. Minor Children – Bernae Green and Charles Alex Lawson, Jr.

Mr. Lawson is not permitted to represent his minor children in this federal proceeding. *See Osei-Afriyie by Osei-Afriyie v. Med. College of Pennsylvania*, 937 F.2d 876, 882-83 (3d Cir. 1991) (*pro se* litigant not permitted to represent his minor children); *see also Hamilton v. Browley*, No. 14-2248, 2015 WL 4077591, at *3-4 (M.D. Pa. July 2, 2015). Therefore, the Court will administratively terminate Green and Lawson Jr.'s claims against the defendants as they cannot be represented by their father who is proceeding *pro se*.

B. Charmaine Pitts

As previously stated, Mr. Lawson is the only plaintiff who has filed an application to proceed *in forma pauperis*. Ms. Pitts is not incarcerated. While Mr. Lawson has submitted an application to proceed *in forma pauperis*, “each . . . plaintiff must qualify for *in forma pauperis* status and the plaintiffs must establish that they cannot, singly or together, pay the filing fee.” *Roberts v. Aviles*, No. 10-5916, 2010 WL 4939927, at *1 (D.N.J. Nov. 30, 2010) (citing *Anderson v. California*, No. 10-2216, 2010 WL 4316996 (S.D. Cal. Oct. 27, 2010); *Darden v. Indymac Bancorp, Inc.*, No. 09-2970, 2009 WL 5206637 (E.D. Cal. Dec. 23, 2009)). Therefore, the Court will administratively terminate the complaint with respect to plaintiff Pitts' claims as she has not filed an application to proceed *in forma pauperis*.

C. Charles Lawson

Mr. Lawson was released from the East Jersey State Prison shortly after submitting the complaint to this Court. *See* https://www20.state.nj.us/DOC_Inmate/details?x=1310399&n=0 (last visited July 20, 2015). Mr. Lawson has not provided the Court with his updated address within seven days of his release from prison as required by the local rules. *See* L.Civ.R. 10.1(a). Therefore, before this Court engages in ruling on Mr. Lawson's application to proceed *in forma*

pauperis and potentially screening the complaint, the Court will administratively terminate Mr. Lawson's complaint for failure to provide this Court with his updated address. If Mr. Lawson provides this Court with his updated address within thirty (30) days of the date of this Opinion, then the Court will order the Clerk to reopen this action.

IV. CONCLUSION

For the foregoing reasons, the complaint will be administratively terminated. Green and Lawson Jr. are minor children and cannot be represented by their *pro se* father. Furthermore, Pitts has not filed an application to proceed *in forma pauperis* and Mr. Lawson has not provided the Court with his updated address. An appropriate Order will be entered.

DATED: July 23, 2015

s/Robert B. Kugler
ROBERT B. KUGLER
United States District Judge